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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/643,604

08/18/2003

John Wallace Nasielski

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QUALCOMM INCORPORATED
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EXAMINER

NGUYEN, QUYNH H

ART UNIT

PAPER NUMBER

2614

NOTIFICATION DATE

DELIVERY MODE

01/04/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/643,604

Applicant(s)

NASIELSKI ET AL.

Examiner

QUYNH H. NGUYEN

Art Unit

2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 December 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: 4,9,10,15,20,21,28 and 33.

Claim(s) rejected: 1,5-7,11,12,16-18,22-25,27,29,32 and 34-39.

Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Quynh H Nguyen/

Primary Examiner, Art Unit 2614

Continuation of 11. does NOT place the application in condition for allowance because: Please note that the Examiner has made several unsuccessful attempts trying to contact Applicant's Representative on record to discuss Applicant's remarks/arguments, to clarify and resolve some outstanding issues and possible proposed examiner's amendment in order to advance the case. Examiner left several messages to Applicant's Representative upon received Applicant's remarks on 7/26/10 prior to mailing the final office action on 10/14/10, and upon receiving remarks filed 12/14/10, but received no return telephone calls.

Applicant argues that in Ahmad, the "registration request could take the form of a phone call, a request from another computing device such as a desktop or laptop computer, and so on". Examiner respectfully agrees. In the same manner, the registration could also take the form of conducting via the HMS itself in a separate registration process since the independent claims do not require all the steps comprised in the method, system of wireless communications occurred in the same packet data session. Furthermore, the claims do not require the packet data session is active since the claims recite the packet switch network active. Amending the independent claims to recite "...while the network connection to the packet data session is active" and the steps of establishing, transmitting, and receiving are occurred in the same packet data session would provide more favorable outcome.

Applicant argues that the Finality of the 10/14/10 office action is improper because claim 34 is rejected under 35 USC 101. Examiner respectfully submits that claim 34 was mentioned under Response to Arguments about 101 issues and was not rejected under 101 ground of rejection. Therefore, there is no new ground(s) of rejection introduced in the Final office action mailed 10/14/10.

Applicant argues that the step of transmission a registration request would have to occur after the step of establishing a packet data session. Examiner respectfully submits that there is no required order according Applicant's argument such that the step of establishing has to occur before the step of transmitting in the claims.

Applicant argues that Ahmad does not teach the registration request including connection or routing information identifying the wireless communication device. Examiner respectfully submits that the claim broadly recites connection information identifying the wireless device and does not recite routing information; and as previous stated by Examiner that when the user invokes the service, the user registers over the Internet and device identification number that identifies the device has to be inputted to identify the device.